

EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEO DEPOSITION OF JAMES MORRIS

AUGUST 3, 2012

Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

13:37:00 1 to 500, something like that. So we were both struggling
13:37:04 2 with what does it mean to sort of help guide a company
13:37:07 3 when it's going through that growth, how do you keep it
13:37:10 4 good, how do you keep the culture right, how do you do it
13:37:13 5 right? How do you manage creative people in a way that
13:37:19 6 gives them the flexibility they need, but it's not
13:37:22 7 anarchy; all those types of things.

13:37:24 8 "I came here to produce WALL-E, I met
13:37:27 9 Andrew" --

13:37:27 10 (Video stops.)

13:37:27 11 BY MR. HARVEY:

13:37:28 12 Q. So if you notice, an interesting thing happened
13:37:30 13 at that point, where the video that ends with "all those
13:37:37 14 types of things" then skips over the discussion of the
13:37:41 15 gentleman's agreement and starts up again in discussing
13:37:47 16 your role with WALL-E.

13:37:51 17 Have you seen this video before?

13:37:55 18 A. I saw what you showed to me before.

13:37:58 19 Q. Have you seen this version of it?

13:38:03 20 A. I have not seen this version of it.

13:38:07 21 Q. Do you have any idea why the portion that
13:38:08 22 discusses the gentleman's agreement was deleted?

13:38:11 23 A. I wasn't aware it was deleted until counsel
13:38:14 24 told me --

13:38:14 25 MS. HENN: Objection. You should not reveal --

13:38:17 1 THE WITNESS: I'm sorry.

13:38:17 2 MS. HENN: -- any communications with lawyers.

13:38:19 3 THE WITNESS: I wasn't aware.

13:38:20 4 BY MR. HARVEY:

13:38:22 5 Q. Do you know which version of the video is
13:38:25 6 available to employees if they wanted to look at the
13:38:27 7 video today?

13:38:29 8 A. I don't know.

13:38:36 9 MR. HARVEY: And that concludes the video
13:38:39 10 portion of the deposition.

13:38:42 11 THE VIDEOGRAPHER: Could we go off the record
13:38:43 12 for just a moment?

13:38:44 13 MR. HARVEY: Yes.

13:38:45 14 THE VIDEOGRAPHER: We are now off the record at
13:38:46 15 1:38.

13:38:48 16 (Discussion off the record.)

13:40:34 17 THE VIDEOGRAPHER: We are now on the record at
13:40:35 18 1:40.

13:40:38 19 BY MR. HARVEY:

13:40:43 20 Q. Were there any time limits on the gentleman's
13:40:46 21 agreement, in the sense of was there a firm expiration
13:40:51 22 date when it would cease to be in effect?

13:40:55 23 A. The -- the gentleman's agreement was
13:40:59 24 essentially kind of a casual understanding, really. So
13:41:03 25 in terms of expiration, there was never anything like

13:41:06 1 that discussed, that I can recall.

13:41:09 2 Q. Okay. Were there any geographic limits, such
13:41:13 3 as the gentleman's agreement applied in San Francisco,
13:41:17 4 but not San Jose?

13:41:22 5 A. When the gentleman's agreement -- when I was
13:41:26 6 involved with the Industrial Light & Magic, was in
13:41:30 7 San Rafael, and Pixar was there originally and then moved
13:41:33 8 over to the East Bay, but it didn't -- it was between
13:41:37 9 those two groups. It wasn't geographically -- there --
13:41:42 10 there was no geographical aspect to it.

13:41:46 11 MR. HARVEY: Okay. Please mark this as the
13:42:31 12 next exhibit in order.

13:42:33 13 THE REPORTER: Exhibit 158.

13:42:31 14 (Exhibit 158 was marked for identification.)

13:42:34 15 BY MR. HARVEY:

13:42:34 16 Q. Please let me know once you've had a chance to
13:42:37 17 review the document.

13:43:32 18 A. Okay.

13:43:32 19 Q. I didn't say it before, but I'll say it now.

13:43:35 20 This document is Bates stamped PIX00009242.

13:43:39 21 Have you seen this document before?

13:43:41 22 A. Well, my name is on it, but I don't recall it.

13:43:46 23 Q. In looking at this document, did you receive
13:43:50 24 this document -- I'm sorry -- did you receive -- scratch
13:43:54 25 that.

13:43:55 1 Did you send the first email on the date
13:43:58 2 indicated to Lori McAdams?

13:44:02 3 MS. HENN: Objection. Vague.

13:44:06 4 THE WITNESS: I -- it -- it's -- it's date
13:44:09 5 marked that I sent it, so I presume I did.

13:44:12 6 BY MR. HARVEY:

13:44:13 7 Q. Okay. And that first email that's dated
13:44:19 8 August 21st, 2006, at 8:40 a.m., you wrote, "I'm going to
13:44:23 9 go over and have lunch with Mich today, a peace keeping
13:44:27 10 mission." Who is Mich?

13:44:30 11 A. That's Mich Chau, who is the president of
13:44:33 12 Lucasfilm.

13:44:36 13 Q. And what was the peace keeping mission you were
13:44:38 14 on?

13:44:39 15 A. I can't remember, to tell you the truth. I
13:44:41 16 must have done something to piss her off.

13:44:45 17 Q. Okay. You then say, "Can you remind me who the
13:44:48 18 TD is that they hired away from us about six months ago?"

13:44:52 19 What is a TD?

13:44:54 20 A. A technical director.

13:44:56 21 Q. And then you say, "I just want to have," quote,
13:44:58 22 "'quid pro quo,'" end quote, "ammo if I need it." What
13:45:07 23 did you mean by "quid pro quo ammo"?

13:45:09 24 A. Well, I don't recall the specific event, but
13:45:11 25 I -- I -- clearly there was some issue with the

16:41:10 1 I, Rosalie A. Kramm, Certified Shorthand
16:41:10 2 Reporter licensed in the State of California, License No.
16:41:10 3 5469, hereby certify that the deponent was by me first
16:41:10 4 duly sworn and the foregoing testimony was reported by me
16:41:10 5 and was thereafter transcribed with computer-aided
16:41:10 6 transcription; that the foregoing is a full, complete,
16:41:10 7 and true record of said proceedings.

16:41:10 8 I further certify that I am not of counsel or
16:41:10 9 attorney for either of any of the parties in the
16:41:10 10 foregoing proceeding and caption named or in any way
16:41:10 11 interested in the outcome of the cause in said caption.

16:41:10 12 The dismantling, unsealing, or unbinding of the
16:41:10 13 original transcript will render the reporter's
16:41:10 14 certificates null and void.

16:41:10 15 In witness whereof, I have hereunto set my hand
16:41:10 16 this day: August 10, 2012.

16:41:10 17 ___X___ Reading and Signing was requested.

16:41:10 18 _____ Reading and Signing was waived.

16:41:10 19 _____ Reading and signing was not requested.

16:41:10 20

16:41:10 21

16:41:10 22

ROSALIE A. KRAMM

16:41:10 23

CSR 5469, RPR, CRR

16:41:10 24

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